THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3017 OF 2006

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Dated: 17-02-2006

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Between

Vankadari Sreenivasulu,

S/o. Subbaiah, Occ: Advocate,

R/o. H.No.18/15, Patapeta,

Dhone Town, Kurnool District

and others.

...PETITIONERS

AND

Dhone Municipal Nagar Panchayat,

Rep. by the Commissioner, Dhone

Town, Kurnool District and another.

...RESPONDENTS

ORDER:

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Petitioners, 12 in number, owners of various premises situated at Patapeta and Kothapeta of Dhone Town and Municipality of Kurnool District, have filed this writ petition seeking a Writ of Mandamus to declare the action of the Dhone Municipal Nagar Panchayat, represented by its Commissioner and the Town Planning Officer, Dhone Municipal Nagar Panchayat, in giving various notices dated 10.02.2006 under Sections 192, 193 and 194 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') pointing out the extents of

the encroachments made by the petitioners abutting the road margins in front of the their houses.

Sri. E. Ayyapu Reddy, learned Senior Counsel, appearing for the petitioners submits that the said notices issued under the aforesaid provisions of the Act alleging that the petitioners have encroached certain extents of road margins, which are small extents and the said action is illegal and arbitrary and against the principles of natural justice. The learned senior counsel further submits that the petitioners have purchased the houses and obtained Gram Panchayat permits and they have never encroached any portion of the road margins.

I am not inclined to express any opinion on the merits of the case as to whether the petitioners have obtained any sanctioned approval through the concerned Gram Panchayat or the Dhone Municipality, which is a matter of evidence to be adduced by the petitioners before the respondents.

In view of the contention that the petitioners are in long standing possession and that they have not encroached any portion of the road margins, the impugned notices dated 10.02.2006 shall be treated as show cause notices calling upon the petitioners to submit their objections for removal of the said encroachments and the petitioners are permitted to file their objections/explanations within one week from the date of receipt of a copy of this order producing all the relevant documents of the sanctioned plans, title deeds etc, extents of land owned by them in support of their contention that they have not encroached any road margins and on such objections/explanations being filed, the respondents may consider and dispose the same in accordance with law by passing reasoned orders. Till the respondents pass the orders, status quo obtaining as on today with regard to the possession of the buildings of the petitioners shall be continued.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 17, 2006

Note: Furnish C.C. of the order by 18.02.2006

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